

## Just War and Warrior Activists

Lisa Kemmerer

### Just War Theory

Just war theory dates back at least to the ancient Roman Empire. The Romans envisioned their empire as “a global concert under the direction of a single conductor, a unitary power” that maintained social peace and produced universal ethical truths (Hardt and Negri, 2000, p. 10). Just wars can be fought at home or abroad. Rome, for example, conducted “‘just wars’ at the borders against the barbarians and internally against the rebellious” (p. 10).

Just War Theory was developed and shaped by such notable Christian theologians as Ambrose and Augustine, who labored to make sense of what must have seemed an oxymoron (given Jesus’ strong pacifist leanings): “Christian soldiers.” Augustine’s writings sought “authorization for the use of violence,” and the “use of Biblical texts to legitimate participation in war” (Langan, 1984).

Just war theory continues to outline conditions under which a nation has the right to *make* war (*jus ad bellum*) and the proper means of *conducting* warfare (*jus in bello*). While notions of just warfare are now much more complicated, Just War Theory continues to explain and justify “how and why wars are fought” through two primary considerations: what kind of war might be justified, and how ought we to behave once in combat?<sup>1</sup>

In *Empire* (2000), Hardt and Negri note that we are now watching the growth of a new empire similar in key ways to the Roman Empire. This new empire does not have just one single government, and is “characterized fundamentally by a lack of boundaries” (Hardt and Negri, 2000, p. xiv). The ethics and laws of this new empire therefore have “no limits” (p. xiv). In the face of this new and limitless Empire, rooted in the ancient Roman conception of just war (*justum bellum*), a new sense of just war is emerging.

### Just Declaration of War

If we are to use Just War Theory to assess cotemporary forms of political violence, we must first have a working understanding of Just War Theory.

Under Just War Theory, moral grounds for the declaration of war rest on five conditions.

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**Lisa Kemmerer** (lkemmerer@msubillings.edu) earned a BA in international studies at Reed, a Masters in comparative religions from Harvard Divinity, and a PhD in Philosophy from University of Glasgow, Scotland. She is the author of *In Search of Consistency*, which won the “International Critical Animal Studies Book Award” in 2006 and several upcoming books, including *Religion and Animals: Rightful Relations* and *Call to Compassion: Animal Advocacy and World Religions* (co-edited with Anthony J. Nocella, II). She has published numerous articles and reviews, including “Broilers” which tied for 3rd place in the 2005 Lantern Books Essay Contest (Reprinted in *Satya*, June/July 2006), and has written, directed, and produced two documentaries on Buddhism. Lisa is an artist, activist, and lover of wild places. She has hiked, biked, kayaked, and traveled widely, and currently teaches at Montana State University Billings.

Just war must be declared:

1. by a legitimate authority,
2. for a just cause,
3. as a last resort,
4. with a reasonable hope of success, and
5. with right intention.<sup>2</sup>

### *1. Legitimate Authority*

What is a “legitimate” authority? A medieval war satisfied the criterion for legitimate authority if undertaken by the highest authority, which at the time was an independent prince. From the 18th century through World War I “each nation was deemed the sole judge of its need to wage war” (IEP, 2008); whoever ruled determined whether or not warfare was justified.

If a legitimate authority is merely a ruler who is recognized by other rulers, how many leaders of state must recognize a king or president to lend them credence as a leader? Which rulers will be relevant to an assessment of new rulers? Must we consider the point of view of *all* extant leaders? Do we need a consensus between rulers, or a certain percentage?

Yet more startling than the uncertainty of how to determine a “legitimate” leader, is the reality that fighting for independence will always be considered unjust warfare. When U. S. settlers declared war on the British, unrecognized upstarts fighting an established nation, US aggression was unjust by definition under Just War Theory. Can *any* revolutionary war qualify as a “just war”? Might Tibetans in the 20<sup>th</sup> century or Native Americans in the 18<sup>th</sup> century, wage a Just War against their cruel and greedy oppressors?

Just War Theory reserves “just war” for those *already established in power*, for leaders broadly recognized as rulers of established nations. Just War Theory is therefore less interested in justice than in maintaining the status quo.

There are, however, exceptions:

[T]he more removed from a proper and just form a government is, the more reasonable it is that its sovereignty disintegrates. A historical example can elucidate the problem: when Nazi Germany invaded France in 1940 it set up the Vichy puppet regime. What allegiance did the people of France under its rule owe to its precepts and rules. . . ? [A] poorly accountable, inept, or corrupt regime possesses no sovereignty, and the right of declaring war (to defend themselves against the government or from foreign power) is wholly justifiable. The notion of proper authority therefore requires thinking about what is meant by sovereignty, what is meant by the state, and what is the proper relationship between a people and its government. (IEP, 2008, p. 4)

Modern Just War Theory holds that a *legitimate* authority must be accountable, competent, and free of corruption. While this seems a tall order, any government that fails in any of these, fails as legitimate leadership, in which case the people are justified in launching a defense against the government. Again, questions arise. At what point is a government incompetent? Is near financial collapse enough to warrant an uprising? What forms of corruption might be tolerated? Is a sex scandal enough to tip the scales, or does condemning corruption

indicate more serious crimes, such as tampering with votes, accepting bribes, or wallowing in wealth while some or many citizens go without food or medical care? While Just War Theory allows for aggression that arises as defense against a corrupt or inept leadership, or leadership who fails to be accountable to the people, it is not always clear how to define corruption, ineptitude, a lack of accountability, or “proper” relations with citizens.

## 2. *Just Cause*

In the works of Saint Augustine, up through the Counter-Reformation, just cause was defined as an act of “defense or resistance” (Hardt and Negri, 2000, p. 13). Initiating aggression has long been considered unjust, while defending ones nation and people against an aggressor falls under the umbrella of just warfare (IEP, 2008, pp. 3-4). In 1945 the United Nations Charter limited legitimate warfare to self-defense, and to UN actions to enforce international security (IEP, 2008).

To qualify as just aggression, entering into warfare must not only be *defensive* in nature, but must also lack ulterior motives (such as land acquisition, access to resource, or economic gain). To qualify as just warfare, “consensus is that an initiation of physical force is wrong and may justly be resisted. Self-defense against physical aggression, therefore, is putatively the only sufficient reason for just cause” (p. 4).

This stipulation, while imminently reasonable, is not without complications. For example, Romans claimed that their acts of imperialist aggression were provoked:

Romans were the masters of manipulation of circumstances to force opponents to behave in a way they could interpret as provocative. Therefore, the Roman interpretation of ‘just wars’ and... a universal aim to conquer need not be contradictory. The concept of ‘just war’ may have justified any given war but does not explain the perpetual Roman readiness to go to war. ...Finally, it must be remembered that in some instances it was clearly the Roman commander who provoked the war in order to plunder and to win a triumph (e.g., Licinius Lucullus, governor of Nearer Spain, in 151) (*Encyclopedia Britannica*, 2008).

Just war expectation of “self-defense” is now further complicated by modern weaponry.

The UN Charter's provision for self-defense leaves in doubt when such defense may begin. An armed attack may be preceded by subversion by the aggressor state and by its advance toward the border of the threatened state. The launching of nuclear missiles may provide little time for defense. Hence, the case has been made for preventive action by a defender (IEP, 2008).

Self defense might now legitimately manifest as a preventative action. The “principle of self-defense can be extrapolated to anticipate probable acts of aggression” (p. 4). For example, stated reasons from the White House for engagement with Iraq were twofold: security and morality (Bradol, 2004, p. 13). The security portion rested on the supposed “need to disarm Iraq and thus prevent the possibility of Al-Qaida gaining access to ‘weapons of mass destruction’” (p. 13). The Iraq war is therefore envisioned as an act of self defense.

To further complicate matters, Just war, which has universal morality and a sense of “right” since the times of ancient Rome, has recently brought into vogue a new category of warfare – humanitarian intervention. Humanitarian intervention is rooted in this ancient sense of universal right, eternal moral truth, justly defended against those who would infringe those truths (Hardt and Negri, 2000, pp. 11-12). Just warfare can therefore be waged in defense of others *even before those others have been harmed*. Just cause allows aggressors to assist

others against an oppressive government or from another external threat (interventionism). Therefore it is commonly held that aggressive war is only permissible if its purpose is to retaliate against a wrong already committed (i.e., to pursue and punish an aggressor), or to pre-empt an anticipated attack (IEP, 2008, p. 4).

The “right of intervention” is “commonly conceived as the right or duty of the dominant subjects of the world order to intervene in the territories of other subjects in the interest of preventing or resolving humanitarian problems, guaranteeing accords, and improving peace” (Hardt and Negri, 2000, p. 18). Humanitarian intervention is justified in cases of “domestic brutality” and “political tyranny,” such intervention is necessary when “what is going on cannot be tolerated,” such as a power “set over and against a mass of victims. The intervention then has an aim that is simple as well as negative: remove the tyrant” (Walzer, 2004, pp. 68-70).

Sometimes the oppression is “internal, the inhumanity locally and widely rooted, a matter of political culture, social structures, historical memories,” and therefore much more difficult to uproot. But intervention is deemed “morally necessary whenever cruelty and suffering are extreme,” and the intent of such intervention is “to put a stop to actions that. . . ‘shock the conscience’ of humankind” (p. 69). In such cases, “anyone near enough and strong enough to stop what needs stopping” ought to act on behalf of the oppressed (p. 70).

Humanitarian intervention carries a renewed commitment to the ancient idea of “just war” as protected by universal moral truths, legitimizing deadly aggression on behalf of the beleaguered. This right of intervention, grounded in just war theory, is legitimized by the assumption that those who march into battle are guided by universal truths, universal moral principles, which they are obligated to enforce and defend (Hardt and Negri, 2000, p. 18). Such intervention “is conducted under the banner of collective security and universal morality” (Bradol, 2004, p. 10), and is rooted in a cultural sense of global order, justice, and the moral high ground (Hardt and Negri, 2000, p. 19).

Overall, Americans “believed that, during the recent Persian Gulf War, [they] rightly risked – and in thousands of instances actually sacrificed – the lives of Iraqi citizens (as well as the lives of many soldiers) merely to keep down the cost of energy and to dispose of a tyrant” (Callicott, 1995). While Just War Theory does not permit warfare for ulterior motives such as material gain, humanitarian intervention allows for the disposal of tyrants.

Humanitarian intervention is perhaps best exemplified by the Kosovo war. Tony Blair noted that the Kosovo war was truly a war of:

values, not interests...In other words, it was a war of altruism, the sort of war in defense of populations at risk and against the perpetrators of massive violations of human rights and international humanitarian law (as distinguished from wars over

money, territorial aggrandizement, or national defense) that seemed to conform to the precepts of a new human rights-based internationalism” (Rieff, 2004, p 286).

Humanitarian justifications for aggression are now critical to just warfare, “compelling the use of a humanitarian justification as the ultimate sanction for” a just war (p. 292). As Rieff (2004) notes, “It was as if humanitarian imperatives and the need to enforce human rights norms offered the only credible moral warrants (besides self-defense, obviously) – for war to which a Western politician could appeal” (p. 292).

### 3. *War as a Last Resort*

*Jus ad bellum* also requires that war be declared as a last resort. This means that war is to be declared when all other options have failed, and when no other means have been found to settle a dispute.

It is both impossible and unreasonable to expect nations to exhaust *all* possible alternative means of resolving a conflict. Nonetheless, it is much more clear when an aggressor wages without attempting to settle the problem through other means, such as negotiation or the use of economic pressure. While perhaps the requirement is stated a little too strongly, just war theory rightly requires those who would be aggressors to exhaust other clear methods for resolving conflict before resorting to armed aggression.

### 4. *Reasonable Hope for Success*

Just war theory requires that war be declared only when there is a reasonable expectation of success. “Deaths and injury incurred in a hopeless cause are not morally justifiable” (Ferraro, 2008). However, just war theory also recognizes that those underpowered and overburdened, with no expectation of victory, may have just cause to engage in battle even when there is no hope of success.

As the *Internet Encyclopedia of Philosophy* (2008) asks: “Is it right to comply with aggression because the costs of not complying are too prohibitive? Is it not sometimes morally necessary to stand up to a bullying larger force, as the Finns did when Russia invaded in 1940” (IEP, 2008, p. 5)? As noted under the stipulation for a sovereign ruler, leadership can lose the right to rule, and those oppressed under such leadership may use aggression to defend their most basic rights – no matter how hopeless their plight. As the Nazi’s prepared to invade Britain, Winston Churchill spoke only of courage and battle, though the fear of defeat was very real: “What is our aim? . . . Victory, victory at all costs, victory in spite of all terror; victory, however long and hard the road may be; for without victory, there is no survival” (Speeches to Parliament, 1940, in IEP, 2008, p. 5).

While Just War Theory recognizes the costs of war, and encourages battle only when victory seems possible, just warfare includes those battles which may seem hopeless, but which morality and justice inspire, and require.

### 5. *Right Intention*

The final just war condition that is to be satisfied before entering into combat is right intention – “a nation waging a just war should be doing so for the cause of justice and not for

reasons of self-interest or aggrandizement” (IEP, 2008, p. 4). Most often, right intention has translated into hope for lasting peace.

As with other just war criteria, right intention is complicated and problematic:

[A] nation may possess just cause to defend an oppressed group, and may rightly argue that the proper intention is to secure their freedom, yet such a war may justly be deemed too expensive or too difficult to wage; i.e., it is not ultimately in their self-interest to fight the just war. On that account, some may demand that national interest is paramount: only if waging war on behalf of freedom is also complemented by the securing of economic or other military interests should a nation commit its troops. The issue of intention raises the concern of practicalities as well as consequences, both of which should be considered before declaring war (p. 4).

While there are many just causes for which any one nation might engage troops, whether North Korea or Tibet, Angola or Somalia, right intention requires an assessment of both consequences and practical matters such as loss of life or expenditures which may bankrupt an otherwise healthy nation. Engaging in warfare merely for humanitarian reasons without considering other affects is not expected of nations under just war theory.

### **Just Warfare**

Just war theory provides two additional conditions for “just war” once a battle has begun: discrimination and proportionality. Discrimination requires that combatants distinguish between civilians and “soldiers,” only targeting the later. Proportionality requires that military action be exacted in proportion to the situation at hand.

Just war theory is rooted in a belief that methods of war are limited. By setting limits on armed conflict, just war theory asserts that the rightful “aim of warfare is to incapacitate the armed forces of the enemy and not to cause severe, indiscriminate suffering among combatants and civilians alike” (*Encyclopedia Britannica*, 2003). “The principles of proportionality and discrimination aim to temper war’s violence and range” (IEP, 2008, p. 7).

In waging a war it is considered unfair and unjust to attack indiscriminately since non-combatants or innocents are deemed to stand outside the field of war proper. Immunity from war can be reasoned from the fact that their existence and activity is not part of the essence of war, which is killing combatants. Since killing itself is highly problematic, the just-war theorist has to proffer a reason why combatants become legitimate targets in the first place, and whether their status alters if they are fighting a just or unjust war. Firstly, a theorist may hold that being trained and/or armed constitutes a sufficient threat to combatants on the other side. Voluntarists may invoke the boxing ring analogy: punching another individual is not morally supportable in a civilized community, but those who voluntarily enter the boxing ring renounce their right not to be hit. Similarly, those who join an army renounce their rights not to be targeted in war. (p. 6)

Discrimination is designed to protect noncombatants from purposeful attack. For example, Just War Theory forbids a soldier from attacking families in their homes. Just War Theory aims to protect those who are old, young, disinclined to violence, and unable to defend themselves by claiming that such individuals are not legitimate targets of warfare. “Readily it can be accepted that soldiers killing other soldiers is part of the nature of warfare, but when

soldiers turn their weapons against non-combatants, or pursue their enemy beyond what is reasonable, then they are no longer committing legitimate acts of war but acts of murder” (p. 7).

Just War Theory assumes that soldiers will wear uniforms and carry weapons openly, working under an identifiable commander, which aids in the discrimination required by *jus in bello*. In requiring discrimination, Just War Theory assumes that soldiers and civilians are distinct, but “the nature of war is not so clean cut when military targets can be hidden amongst civilian centers” (p. 3). In the ugliness of the Viet Nam War, even children and young mothers became undercover combatants, toting bombs and spying on the enemy. Even without bomb-toting mothers, the lines between combatants and noncombatants are inevitably blurred. Some argue “that the nature of modern warfare dissolves the possibility of discrimination” because civilians are as necessary “for the war machine as are combatants, therefore, they claim, there is no moral distinction in targeting an armed combatant and a civilian involved in arming or feeding the combatant” (p. 7).

In light of these combat complications, the Geneva Conventions of 1949, and their Protocols of 1977, held that guerrillas must be under a commander's control, carry arms openly, and wear uniforms during military operations “or face punishment as illegal combatants.” But war theorists now include a new category of warfare, “asymmetric war,” which further complicates Just War Theory, and speaks to the ineffectiveness – even injustice – of these Protocols.

Asymmetric war defines combat in which the two warring sides have significantly different powers and resources at their disposal, including such important resources as soldiers, technology, or weapons. In such warfare, unconventional means of aggression are often employed by the disadvantaged side. Without these unconventional means, the disadvantaged side would have no hope for success. For example those with fewer soldiers and weapons might resort to harassment, guerrilla warfare (individuals acting as independent cells, relying on civilians to provide supplies and intelligence), or urban warfare (blending into urban centers where sympathetic civilians shield warriors and satisfy their basic needs). Both guerrilla warfare and urban warfare require the cooperation of civilians.

In spite of these truths of combat, just war asserts that a “lack of identification does not give a government the right to kill indiscriminately – the onus is on the government to identify the combatants” (p. 7).

It is now clear that a soldier need not be armed to be a combatant. This is not only true of guerilla and urban warfare, but also of powerful nations; death can now be dealt with the touch of a button. Even this complication fails to delve into the deeper problems of discrimination. Civilians are often strategically important, actively involved in acts of aggression against the enemy. Therefore, merely being

a civilian does not necessarily mean that one is not a threat and hence not a legitimate target. If Mr. Smith is the only individual in the nation to possess the correct combination that will detonate a device, then he becomes not only causally efficacious in the firing of a weapon of war, but also morally responsible; reasonably he also becomes a legitimate military target. His job effectively militarizes his status. The underlying issues that ethical analysis must deal with involve the logical nature of an individual's complicity, or aiding and abetting the war machine, with greater weight being imposed on those logically closer than those logically further from the war machine in their work (p. 7).

While it is increasingly difficult to clearly identify combatants, targeting those who appear to be noncombatants remains contrary to the rules of engagement of Just War Theory.

This does not mean that civilians will be spared. Military operations in Iraq shed light on some of the problems inherent in the implementation of discrimination. “How is it possible to ensure a decisive victory and keep allied and civilian casualties to a minimum when the adversary, weakened by several defeats and more than a decade of sanctions, concentrates its troops in the largest urban centers? In other words, how do you drop vast quantities of explosives on the most densely populated zones in the shortest possible time and still spare non-combatants?” (Bradol, 2004, p. 14).

In light of such complications, just war theory now includes the doctrine of double effect, which instructs soldiers to avoid *intentionally* attacking noncombatants. Under the rule of double effect, noncombatants “can never be the objects or the targets of military activity” (Walzer, 1977, p. 151). Nonetheless, warfare

sometimes unavoidably involves civilians. Whilst the principle of discrimination argues for immunity from war, the practicalities of war provoke the need for a different model. The doctrine of double effect offers a justification for killing civilians in war, so long as their deaths are not intended but are accidental. (IEP, 2008, p. 7)

In any act of aggression, there are two effects which must be noted – those which are intended, and those which are unintended. In order to justify the killing of noncombatants, a deadly act must be a legitimate act of war, harm done to noncombatants must be incidental, and the intended good must outweigh the unintended and unfortunate consequences of harming noncombatants (Walzer, 1977, p. 153).

### **Animal and Earth Liberation and Just War Theory**

In defining “just” aggression, just war theory also defines “unjust warfare.” Through the lens of Just War Theory, combined with a working definition of terrorism, we might assess whether or not certain acts fall under the canopy of *just* aggression.

#### *Defining Warrior Activists*

Earth and animal liberationists are often labeled “eco-terrorists” and “animal rights terrorists.” Where does the aggression of “warrior activists” fit into just war theory? How do acts of aggression on behalf of animal and earth liberationist stand up to the criterion of just warfare? Are these “aggressors” social activists, terrorists, or are they soldiers engaged in humanitarian intervention against brazen indifference?

Social activists work to bringing about change, including such acts as protests and lobbying. Generally, social activists use education and political pressures to bring about legal and social changes. In the process, some activists use legal methods, while others do not. Those who do not use legal means might be viewed as “warrior activists” because they come into conflict with the governments (and often the citizens) of the nations in which they live. For the purposes of this paper, I am interested only in activists who use *illegal* means: *warrior* activists.



Rousseau noted that the first person who claimed a “piece of nature as his or her own exclusive possession [as] private property, was the one who invented evil” (Hardt and Negri, 2000, p. 303). Animal and earth liberationists are social activists not unlike those fighting for civil liberties or women’s equality. Animal liberationists, for example, argue that there was nothing about the color of one’s skin that might indicate where one should sit in a bus, and there was nothing about gender which rightly determined whether or not one ought to vote, and that speciesism, like racism and sexism, discriminates without using morally relevant criteria. There is nothing about species which makes the pain, suffering, or life of a pig or chicken morally irrelevant. To suggest that exploiting turkeys or cattle for profit, that imprisoning and slaughtering these sentient social beings is not morally relevant, is untellable if one believes that human suffering matters. Such a point of view is mere prejudice – morally unjustifiable. Earth liberationists might similarly argue that to be concerned only about the human species, or only about human “habitat” is a gross injustice. Inasmuch as any one species matters, all species must matter, and so must the earth on which we all depend. Furthermore, the wealthy residents of this earth own and control much of nature, and do much damage to the air, water, and land itself, which affects the life of all peoples, and which disproportionately affects the poor, who cannot simply move to cleaner environments, buy bottled water, or acquire the medical care they might need when affected by unclean air or chemical contaminants.

Those fighting for earth and animal liberation tend to oppose powerful corporations and struggle against general public apathy. Meanwhile, death and destruction continue at an alarming rate. In response, some of these activists have moved from protests and lobbying to bombing and property destruction. They feel that the oppression they fight demands a response, and they are obligated to bring change as quickly as possible on behalf of the voiceless and defenseless, to bring about justice and establish a relative peace for pigs and turkeys, forests and the oceans, and the poorer peoples of the earth.

Memorable and effective social movements, whether the civil rights movement or the abolitionists movement, crossed a line at some point in their struggle, which I will define as that of social activist versus “warrior activist” – the latter being those activists prepared to use aggression against the oppressors. The Women’s Social and Political Union, for example, employed arson and bombings; John Brown attempted to lead an armed rebellion against slave owners. Physical aggression has “played a crucial role in progressing social and political movements. . . internationally throughout history” (Rosebraugh, 2003, p. 13).

Violence and illegal actions have been a part of every major social movement throughout history. [In] the fight to end slavery, establish worker rights, and enfranchise women, broken laws and bloodshed have been justifiable steps in these noble pursuits. To completely rule out similar actions on behalf of non-human animal nations [and the natural environment] is a speciesist insult (*Bite Back*, 2003, p. 2).

The methods of animal and earth liberationists now include forms of combat used by nations at war. They fight on behalf of those who cannot defend themselves, on behalf of those overpowered and downtrodden:

Animal liberation is . . . a war. A long, hard, bloody war in which all the countless millions of its victims have, so far been on one side only, have been defenseless

and innocent, whose tragedy was being born nonhuman. The oceans, the land and the sky should be free to all rather than be the domain of whoever is most powerful in the human world. The methods to achieve a just world are many and varied, but all tactics are important (Webb, 2004, p. 80).

Simply and clearly defined, terrorism is a form of combat that targets noncombatants for political ends (Walzer, 2004, p. 51). Terrorists do not honor the just war requirement of discrimination, or even the doctrine of double effect. Terrorists *purposefully* target noncombatants for political ends.

Animal and earth warrior activists meticulously avoid harm to noncombatants. They target those who participate willingly in the exploitation of nonhumans, those who show blatant disregard for the environment, and those whose actions directly and comparatively severely affect streams, oceans, wilderness, or nonhuman animals. The government, capitulating to the pressures of big business and big money, now labels such warrior activists as “terrorists.” Even social activists (as opposed to warrior activists) can now be tried and convicted as terrorists because actions which harm the profits of animal industries, for example, are now illegal – are now acts of terrorism. Harming these businesses – driving them out of business – is, of course, the point of social activism. Repressive legislation targeting both warrior activists and social activists has been “the result of alliances between corporations and professional lobbying groups, and their goal is to thwart any challenge to industry rights to killing and predation” (Best, 2004, p. 313). Corporations and their profits are protected above life itself:

[W]ithin the exploitative and materialistic ethos of capitalism, property and inanimate objects are more sacred than life, such that to destroy living beings and the natural world is a legal and (to all too many) ethically acceptable occupation, while to smash the things used to kill animals and to plunder the earth is illegal, immoral, and even an act of ‘terrorism.’ Mink farmers are good citizens, but those who release their captives before their necks are snapped are ecoterrorists. Individual or corporate property rights over animals and the earth are protected and privileged over our common inheritance of the planet and the well-being of all future generations. The state unleashes draconian rule with legislation such as the Patriot Act, but champions of animal rights and radical ecology are smeared for using intimidation tactics . . .

Torching a research or vivisection laboratory is considered more heinous than anally electrocuting foxes or conducting LD50 tests, [pouring] industrial chemicals into the bodies of animals until half of them die. The loss of one building is deemed more noteworthy than the devastation of rainforests or the eradication of species. Critics whine about the possibility of physical violence by the ALF but fall silent before the actuality of state terrorism, animal massacres, and environmental destruction on a global scale. They decry death threats but never death (Best and Nocella, 2004, p. 48).

This reality is not lost even on the U.S. government. An official FBI definition of eco-terrorism notes that warrior activism “is a crime committed to save nature” (Best, 2004, p. 309). This “speaks volumes about capitalistic society. . . [where] actions to ‘save nature’ are classified as criminal actions while those that destroy nature are sanctified by God and Flag” (p. 309).

We have laid out the framework for Just War Theory, and provided a working definition of terrorism, social activism, warrior activism, speciesism, and the animal and earth liberation movements. By examining the tactics of these liberation movements, we can now determine how these aggressive activists are to be assessed in light of Just War Theory.

*Animal and Earth Liberationists and Jus ad Bellum*

Just War Theory requires that just wars be declared by a legitimate authority, for a just cause, as a last resort, with a reasonable hope of success, with right intention.

*1. Legitimate Authority*

Animal and earth liberationists are engaged in asymmetric warfare. The resources of the state – bolstered by big business interests that wish to continue exploiting earth and animals – vastly outstretch those of liberationists. Just War Theory therefore allows that liberationists cannot be expected to have a clearly identifiable leader. If such a leader were to surface, she would quickly be tracked down and imprisoned by a force with seemingly unlimited employees, resources, and intelligence operations. Asymmetric warfare allows for covert leadership on the disadvantaged side.

While Just War Theory allows that warrior activists might have legitimate leadership without putting forward an identifiable commander, what of the U.S. government's status under Just War Theory? Does Just War Theory recognize the U.S. government as a legitimate leader?

Just War Theory acknowledges that a government which is not "accountable," or which is "inept, or corrupt," loses the right to rule, and those oppressed under such leadership may use aggression to defend their most basic rights – no matter how hopeless their plight might be (IEP, 2008, p. 4).

Those fighting for earth and animal liberation, particularly in the U.S., are likely to believe that their government is no longer a legitimate authority. Such a belief is well grounded in the government's alignment with big businesses that profit from the lives of billions of animals and without regard to the environment. For example, the government supports and protects the meat and dairy industries, even against social activists whose information, were it to reach the public, might harm the profits of these mega-businesses. Similarly, the U.S. government has aligned with the huge auto and oil industries to sanction drilling for oil in the Arctic, while failing (for decades) to support alternative energy sources – or even public transport. U.S. leaders have even held a stake in agribusiness and the oil profits – the Bush administration has links to weapon, oil, and ranching.

The U.S. government might legitimately be considered corrupt and inept in the eyes of those fighting for earth and animal liberation. Consequently, aggression on behalf of the oppressed and slaughtered, the endangered and overlooked, satisfies the criteria for just warfare.

The U.S. might also be considered corrupt for recent moves to repress social activists. Hardt and Negri discuss the new Empire (in which the US is a primary actor), offering insights on asymmetric warfare and warrior activists. In this growing battle, "ethics, morality, and justice are cast into new dimensions," by the government (Hardt and Negri, 2000, p. 20). "Peace equilibrium, and the cessation of conflict are the values toward which everything is directed" (p. 14), and the world's leaders deploy "a powerful police function against the new barbarians and rebellious slaves who threaten its order" (p. 20). But this peace is founded on the peace of big

business, profit, and protecting the current power structure – which disregards the lives of animals and the earth itself. In the quest for this illusive peace, the Empire deploys “prevention, repression, and rhetorical force” (p. 17). Liberationists become the targets of such persecution.

The states power against these activists is practically limitless. In the eyes of the Empire, as defined by Hardt and Negri, “[t]ruth will not make us free, but taking control of the production of truth will” (p. 156). The state can redefine terrorism, for example, to include social activism. They need only spread this idea through the population, and without any understanding to the contrary, the population will generally believe what they are told. If told that liberationists are terrorists, on what grounds might they believe otherwise when the U.S. government controls the media? The new Empire controls “thought and practice, sanctioning and prescribing normal and/or deviant behaviors” (p. 23). The powers of the present Empire control the media, education, and public discourse so that the agenda of the Empire is “distributed throughout the brains and bodies of the citizens” (p. 23).

Through its power within the media, and through the power of mega-corporations within the media, the Empire has effectively labeled both social activists and warrior activists as “terrorists.” Indeed, they have become so in the eyes of most civilians. Society, swayed by such media, “reacts like a single body. Through the media, power (governmental and industrial) “extends throughout the depths of the consciousness and bodies of the population” (p. 24). Norms and moral imperatives are thereby “interiorized within the subjects themselves” (p. 23). In this way the Empire effectively “constructs social fabrics that evacuate or render ineffective any contradiction” (p. 34). Liberationists, who attempt to contradict the Empire’s assertion that big businesses, which profit from the lives of turkeys or by destroying ecosystems, become the enemy of the state and the citizenry.

Warrior activists tend to recognize the state as “a bureaucracy that monopolizes the means of violence and exists largely as a political tool for the economic interest of ruling elites” (Best, 2003, p. 323). Big business is the primary enemy, protected and supported by the state. “The great industrial and financial powers . . . produce needs, social relations, bodies, and minds – which is to say, they produce producers” (Hardt and Negri, 2000, p. 32). Big business creates an attitude of earth and animal exploitation in order to sell flesh and autos. The absolute power of the Empire is inextricably linked with the “machine of production and reproduction” ; in Empire’s regime of power over people, “economic production and political constitution tend increasingly to coincide” (p. 41).

After decades of nonviolent social activism, aware that governments have joined big business to create an almost impervious bastion of power, and aware that they control the media for the cause of big business, warrior activists have launched a counteroffensive against such unjust powers, against these aggressors, who support and defend exploitation of the earth and slaughter of billions of nonhumans for profit.

In response to these activists, the Empire has taken on a “messianic” tone in the media, demonizing activists in the news, as terrorists, while presenting superpowers as saviors to those who are “victims of ‘evil,’” including such “victims” as agribusiness and pharmaceuticals, developers and the logging industry (Bradol, 2004, p. 12). Hardt and Negri (2000) note that the Empire “wields enormous powers of oppression and destruction,” and “is continually bathed in blood,” yet always presents itself as “dedicated to peace” (p. xv) – a peace that is as ironclad and ephemeral as the Empire itself. The empire fights terror, and in the process exports the “doctrine of human rights and ‘free-market democracy’ – by force of arms and disregarding international law if necessary” (Bradol, 2004, p. 3). Activists are repressed as “a moral front for the defense of

the interests of the most powerful,” thereby justifying the government’s “right to intervene,” and creating a massive “war on terror” (p. 11).

Since September 11, 2001, U.S. civil liberties have been trampled in a witch-hunt for terrorists under the guise of universal moral truth. Enemies of the Empire, those who stand against the Empire’s rhetoric and economic giants, are labeled “terrorists” (Hardt and Negri, 2000, p. 37). “The alleged dangers posed by foreign terrorists” have been “used to justify the attack on ‘domestic terrorists,’” and a domestic terrorist is “any and every citizen expressing dissent” (Best and Nocella, 2004, p. 10). The “Bush administration took firm measures to criminalize animal rights and environmental protests and, indeed, nearly every form of dissent” (Best, 2004, p. 305). The “FBI’s policy is to treat citizens exercising their constitutional rights like terrorists” (p. 330). Activists threatening big business are demonized, and are recast as terrorists. Leaders who demonize concerned citizens and treat them like terrorists while aligning with powerful members of society simply because they are powerful, constitutes corruption.

When “morality rages against the machine of corporate-induced” immorality, when “the common voice is not heard, when right becomes wrong in a world contaminated by the waste of corporate excess, the . . . passionate lover of life, becomes a criminal” (Sampson, 2004, p. 186). The U.S. government has lost legitimacy. U.S. activists “are being attacked in the name of ‘security’” (Best and Nocella, 2004, p. 10), accused of terrorism in order to permit “severe political repression” (p. 10).

A handful of dedicated activists have recently been tried under post 9/11 laws that treat social activists as if they were terrorists, providing strict sentences for those who threaten the interests of big business. Josh Harper of the SHAC 7 (6 activists and the organization Stop Huntingdon Animal Cruelty, USA) writes, “The SHAC 7 were only accused of speech related activity. I personally was convicted for two lectures I gave . . . I wasn’t advocating shooting vivisectors . . . but [was advocating] sending black sheets of paper through fax machines to tie up phone lines. I’m serving three years in a medium security federal prison for talking about electronic civil disobedience” (Harper, 2007). Darius Fullmer, another member of the SHAC 7, notes that he was accused of violating the Animal Enterprise Protection Act, for which he was also fined \$1 million. Though he was protesting, he was not breaking the law, so “the week before our [the SHAC 7] arrests, the senate judiciary committee met, at the request of the pharmaceutical industry, to discuss the ‘problem’ of [SHAC 7 activism]. Since none of us were doing anything illegal, they changed the law so [that] we would be. I remember learning in kindergarten that you don’t change the rules in the middle of the game – I suppose they forgot” (Fullmer, 2007). The U.S. government is now catering to the interests of mega-businesses at the expense of citizens, free speech, and civil liberties in general.

According to Just War Theory, warrior activists (who engage in asymmetric warfare) need not have an identifiable legitimate authority in command. They must, however, avoid corruption and ineptitude. The U.S. government, aligned with big business against activists, has become corrupt, and is therefore no longer a legitimate authority. Consequently, the U.S. government cannot engage in just warfare.

## *2. Just Cause*

Animal and earth liberationists are fighting for nations and communities – albeit not human nations and communities – to prevent and end oppression, exploitation, and outright,

ongoing slaughter. *Animal and earth liberationists are fighting a battle synonymous with humanitarian intervention.*

Humanitarian interventions are carried out “against people who are already using force, breaking the peace. [Combatants] will be ineffective unless there is a willingness to accept the risks that naturally attach to military acts – to shed blood, to lose soldiers. In much of the world, bloodless intervention, peaceful peacekeeping is a contradiction in terms: if it were possible, it wouldn’t be necessary” (Walzer, 2004, p. 73).

In this ongoing humanitarian intervention on behalf of earth and nonhuman animals, the establishment seeks to protect the interests of big business, such as the logging industry and pharmaceuticals, while animal and earth liberationists seek to protect the last stands of virgin forests, the final handful of rhinoceroses. Warrior activists seek to protect the natural world from those who see trees and water, deer and elephants as “resources” to be exploited for human profit. Warrior activists defend and protect habitat – homes that are critical for the lives of other species. Warrior activists work to alleviate the suffering of farmed animals and animals exploited in laboratories, of those slaughtered for food and afflicted in the name of science.

Western cultures are inherently, broadly violent to earth and nonhuman animals. Western societies tend to support

[v]iolence inflicted upon the Earth through the coal, hydro-, and nuclear powered facilities that generate the electricity we co-depend upon; violence against indigenous peoples, animals and the environment to extract and burn the fossil fuels that power our cars; violence committed by the polluting and animal torturing companies that produce an endless stream of unnecessary luxuries; and the violence our police and military forces exercise daily across the globe to supposedly protect our freedom to live in such a violent way.

When CNN or FOX TV asks whether we are seeing an increase in violence, the answer is yes, but not from our [warrior activists] side. The timber, oil, agricultural, biomedical, pharmaceutical, and even entertainment industries profit quite nicely from physical violence so why aren’t they ever held up to the same moral yardstick the ALF [Animal Liberation Front] and ELF [Environmental Liberation Front] are?

...Far from being terrorism, such [direct activism is] the only avenue left available as self defense. (Coronado, 2003, p. 6)

When prosecuted for breaking ranks from the traditional sign-holding and lobbying to sabotage a research lab, or burn down a new housing development, warrior activists often feel that only *they* are expected to be non-violent in a society *saturated* with violence. For eco-warriors and animal liberationists, who are dedicated to a more peaceful world – for those with a vision of peace few dare to imagine – the natural world and nonhuman animals deserve the same response as did slaves and those dying in concentration camps – moral outrage – and the same dedication and diverse means necessary to bring change. For animal advocates, the desperate plight of pigs and chickens is morally critical, as would be the plight of humans similarly abused, exploited, and slaughtered. Yet eco-activists and animal advocates are too often expected to fight death camps with petitions, without raising a hand against killers and exploiters who prosper on profits garnered from others whom they have subjugated, disregarded, devastated, and ultimately destroyed.

Warrior activists, who recognize oppression and mass destruction whether it is aimed at a turkey or a child, argue that counter-aggression is “not only morally permissible but also obligatory” (Finsen and Finsen, 1994, p. 277). Some animal and earth warrior activists feel morally obliged to sabotage life-destroying property, such as animal research labs and whaling vessels, heavy machinery and developments springing up in pristine wilderness. If these businesses employed instruments of *human* death and torture, wouldn’t we all? Activists who target property and profits in the hope of saving animal lives and/or preserving the planet are “doing only what morality demands” (p. 277). Animal and earth advocates feel that “turning away from” activism – whether sabotage, arson, or liberations – is tantamount to abandoning “the only true road to peace” (Coronado, 2003, p. 7). No peaceful method has even put dent in the activities of those who profit from exploitation and death.

Animal industries, one of the primary industries linked with global warming, water pollution and dead zones, and the depletion of fresh-water reserves, a primary cause for the destruction of rainforests, and a major customer for oil and pesticides, animal agriculture threatens not only the animals who are its direct victims, but also the very earth itself – all of us, and all life. “A supreme emergency exists when our deepest values and our collective survival are in imminent danger” (Walzer, 2004, p. 33). In such times, rash actions are often to be expected, if not morally obligatory.

Animal and earth liberationists employ aggression on behalf of the defenseless – nonhuman animals. Their aggression is not preemptive, but is a response to ongoing crimes against life, crimes that have claimed more lives than any other aggression in the history of humankind. In the eyes of warrior activists “it isn’t enough to wait until the tyrants . . . have done their filthy work,” then rush in to aid survivors (p. 81). Whenever such cruel exploitation, such blatant disregard for life “can be stopped, it should be stopped. And if not by . . . the supposedly decent people of this world, then by whom?” (p. 81). Where such ongoing crimes against life are perpetrated, it is “not possible to wait; anyone who can take the initiative should do so. Active opposition to massacre . . . is morally necessary; its risks must be accepted” (p. 75). Warrior activists place their own lives “in harms way for a cause more important” than their personal freedom or safety (Wicklund, 2004, p. 237). Warrior activists are engaged in an asymmetrical war of humanitarian intervention.

The causes of animal and earth liberation are just, and desperate. In warfare, one is allowed to use desperate means in desperate times, such as when one is under a global threat:

There are limits on the conduct of war, and there are moments when we can and perhaps should break through the limits (the limits themselves never disappear). “Supreme emergency” describes those rare moments when the negative value that we assign – that we can’t help assigning – to the disaster that looms before us devalues morality itself and leaves us free to do whatever is militarily necessary to avoid the disaster, so long as what we do doesn’t produce an even worse disaster (Walzer, 2004, p. 40).

There was perhaps never such a strong argument for aggressive counter-action for a humanitarian cause. While military aggressors have, in the past, threatened autonomous nations, cultures, and races, they have never threatened the balance of the planet itself. Animal agriculture and other large businesses are now doing just that.

### 3. *As a Last Resort*

Animal and earth liberationists have been working to protect the earth and nonhuman animals for more than a century, employing every imaginable tactic to halt aggression and bring a lasting peace for all creatures and the earth itself. From education to lobbying, social activists for the earth and nonhuman animals have employed every legal means available to save lives and preserve ecosystems and species.

Some activists feel the cruelty and slaughter of the aggressor, and their lack of response to peaceful means of protest, *require* a more aggressive response:

While some in the animal rights movement may still believe that passive resistance and Gandhian tactics will reverse the lack of morality among the world's most powerful industries and governments, the ALF abandons this naiveté. The escalation of institutional animal exploitation in this last century continues, as abusers are guided by profit, not moral imperatives. (Coronado, 2003, p. 179)

So far, legal means have failed even to reduce, let alone halt, animal exploitation and environmental destruction.

Ongoing legal abuses and government repression – trying activists as terrorists, for example – have recently motivated yet more activists to engage in underground resistance (Watson, 2004, p. 284). “It is not the oppressed who determine the means of resistance, but the oppressor” (Nelson Mandela in Coronado, 2003, p. 182). Ronnie Lee, founder of Band of Mercy and the Animal Liberation Front writes of the common frustration felt by many animal liberationists, speaking of the formation of a more militant group, the Band of Mercy.

All of us were either vegetarians or vegans and had been involved in various animal protection organizations. We shared the common feeling that those organizations were failing to stem the tide of animal persecution because their tactics weren't hard-hitting enough.

We felt it was vital to embark on a campaign of direct action in order to try to turn things around. We had no idea whether or not we would succeed, but we felt there was no other choice and we had to give it a go” (Lee, 2008).

For those determined to protect and save the oppressed, those who cannot defend themselves, the only viable option has become counter-violence. Warrior activists are reacting to repression, and to a culture of indifference, which “does not offer any legal form of redress and thus spawns the frustration and the anger” (Watson, 2004, p. 284). Meanwhile, the slaughter continues.

Counter violence is also called for in light of massive ignorance and indifference – if not overt resistance – among the general population. As was the case in Nazi Germany, the wider U.S. citizenry, for example, lacks information on what transpires in the animal industries, and on the state of the environment, and so it is not surprising that they lack the sense of justice necessary to bring about needed reforms. In any event, most people have a vested interest in maintaining the status quo – they like their steak and their automobiles:



The fundamental problem . . . is that [nonviolent political action] requires the opponent to have a healthy and working conscience to decipher between right and wrong, good and evil, just and unjust. Do executives from cigarette corporations, who have knowingly and purposely sold deadly products to people for years, have healthy and working consciences? Do vivisectionists, who continue their fraudulent and appalling research . . . have healthy and working consciences? Do executives of corporations such as Pacific Lumber, who have been engaged in chopping some of the last remaining old-growth trees in this country strictly for financial gain, have healthy and working consciences? (Rosebraugh, 2003, p. 13).

Many activists feel that, if the slaughter and degradation are to stop anytime soon, change must be forced.

Tom Regan (2004) notes that activists have stepped outside the law because they believe they have “exhausted nonviolent alternatives,” and “they believe the time for talking is past” and that “the time for acting has arrived” (p. 235). Consequently, overt combat – the taking of human life – cannot be ruled out in this escalating battle between a repressive government backed by big business and the ignorance and indifference of the masses, and dedicated warrior activists. Activists have been forced to decide how much death and destruction ought to be tolerated before morality requires that they respond in kind.

In the early eighties, warrior activists began to move in more militant directions, insisting that exploiters “sample a taste of the fear and pain they dole out to animals, and they intend to fight violence with violence” (Best, 2004, p. 304). Warrior activists have grown weary of lobbying and protesting while nonhuman animals died at the hands of their exploiters, bringing profits to their killers, while forests and species continue to disappear. Warrior activists sometimes note that “fear is the strongest motivator and that the death of some vivisectionists would send the strongest possible signal that vivisection is a bad investment and certainly not a good choice for a promising long-term and lucrative career” (Dawn, 2004, p. 224). Warrior activists have grown:

tired of adhering to a nonviolent code of ethics while violence from the enemy increases. Realizing that nonviolence against animal exploiters in fact is a pro-violence stance that tolerates their blood-spilling without taking adequate measures to stop it, a new breed of freedom fighters has ditched Gandhi for Machiavelli and . . . embraces animal liberation “by any means necessary” (Best, 2004, p. 301).

These warrior activists feel that the ongoing struggle for animal and earth liberation must “advance beyond property destruction” (p. 304).

In the wake of 9/11, warrior activism has become yet more risky. Terrorism has been misconstrued in order to target warrior activists who work to protect and preserve nonhuman animals and the environment. Big businesses, eager to protect their personal interests in logging, mining, energy, factory farming, laboratory research, and weapons, for example, have urged the government to crack down on these dedicated activists; civil liberties have been hard hit by the powerful interests of such corporations. But their methods have backfired. Repressive legislation, instead of preventing protests, has pushed some social activists into the realms of warrior activism. Instead of employing methods of protest that were legal until just recently, such as

workshops on how to waste company ink, the U.S. government has closed these doors, forcing activists to look in new directions. If one is to be imprisoned, why toy with industry ink rather than explosives? If activists are to risk arrest, and can expect to receive significant sentences, they may as well burn down a building as teach others how to clog phone lines. If an activist is going to be punished for threatening big business, why not go underground and threaten these corporate giants in a big way?

While animal and earth liberationists have thus far avoided killing anyone in their humanitarian intervention on behalf of earth and animals – no matter how bloody the hands of the exploiters – recent legal maneuvers, pushed forward by big business, have changed the landscape. Can there continue to be a civil dialogue when the slaughter continues unabated and activists are jailed for means of protest that were recently legal? “The answer, to be sure, is – *must* be – an unequivocal ‘no’” (Churchill, 2004, p. 3).

Warrior activists feel that the time for talk is long over. The destruction and slaughter continue, with little indication of even the slightest change, and the time has arrived for “direct action of the sort designed to disrupt – and at an optimum halt – the process” (p. 3). Frustrated activists, who have seen little change in several decades of hard work, and who now see decreased avenues for legal protest, are gravitating toward illegal means. Such tactics are likely to lead to serious injury or loss of life on the side of the oppressors – those who work in or support big businesses that destroy billions of nonhuman animals or do massive damage to the environment. In light of global warming and species eradication, in light of billions of farm animals exploited without regard to their most basic needs, and in light of so many years of less aggressive methods of protest, such means seem reasonable, expected, legitimate – even morally necessary in the realms of humanitarian intervention.

In light of the gravity of the problem, the sheer numbers and sufferings involved, to continue long-range, non-violent methods of protests seems blatantly irresponsible to some warrior activists. Did the moral conscience of slave owners end slavery? Can those who feast on flesh be expected to voluntarily give up cold cuts and chicken McNuggets in preference for protecting the lives of the vulnerable? Some activists feel that a pervasive lack of moral conscience not only justifies but *requires* moving from social activism to warrior activism – the use of force, aggression, and violence – even against human aggressors.

#### 4. *With Reasonable Hope of Success*

Animal and earth liberationists do not have a reasonable hope of success in any overt humanitarian counter-attack on behalf of nonhumans and the earth, at least not in the near future. Just War Theory recognizes that those with no expectation of victory, those who are at a tremendous disadvantage in asymmetric warfare, may nonetheless have just cause to engage in a battle on behalf of what is morally right – to move against a powerful, immoral aggressor (IEP, 2008, p. 5) – especially on behalf of noncombatants who are suffering at the hands of a more powerful aggressor.

It might also be argued that warrior activists have a tremendous chance of success *in the long run*. Examples of asymmetric wars that were won by the “weaker” party include the American Revolution and the Viet Nam War. Guerrilla warfare is notoriously difficult to defeat. When the massive forces of established armies do not know who the warriors are, or where they will next strike, they have little hope of subduing the opposition.

### 5. *Right Intention*

Just as one must understand Jim Crow laws, segregation, and slavery to understand John Brown's violent acts – his willingness to break laws and use aggression to further his humanitarian cause – an intimate knowledge of the pressing problems facing planet Earth, and the horrors brought to animals in labs and factory farms, is critical to understanding the response of warrior activists who fight to liberate nonhumans animal and the earth. Motives are critical to just cause. One must understand ravaging of the rainforests, the spreading of dead zones, and the actions of Huntingdon Life Sciences in order to assess animal and earth liberationists.<sup>3</sup> Warrior activists

recognize a profound crisis in the human relation with the natural world, such that the time has long passed for moderation, delay, and compromise. They can no longer fiddle while the earth burns and animal bodies pile up by the billions; they are compelled to take immediate and decisive action (Best and Nocella, 2004, p. 11).

Warrior activists are motivated to move from legal to illegal means by the unjust aggression of others. They employ counter-aggression because they feel an "intense sense of urgency" (p. 11). "When the corporate-state complex cautions, 'It is only a matter of time before somebody gets hurt' in the direct action movements on behalf of animals, they ignore the fact that someone already has been hurt-the billions of animals killed every year in factory farms, slaughterhouses, vivisection laboratories, and the 'entertainment' industries" (Best, 2004, p. 319). They ignore the fact that our earth is in dire straights, and that industries continue to contribute to the ever-worsening crisis of environmental degradation – and that their profiteering actions continue to be protected by law.

Those who are aware of what happens in slaughterhouses, those who are aware of the state of the earth's seas and ever diminishing forested lands, are likely to experience sadness, "anger and even rage" (Finsen and Finsen, 1994, p. 278). Animal activist Steve Hindi writes, "I have witnessed and documented more scenes of grotesque and indefensible cruelty and brutality than I want to remember. I regularly experience anger and rage over the way animals are treated" (Hindi, 2003, p. 12).

Just War Theory allows personal (national) interests to override the need for humanitarian interventions. Many nations look first to their own self-preservation, and then to the needs of others. This is not the case with animal and earth liberationists. They do not place their personal interests – freedom and safety – above their humanitarian duty to defend the defenseless (IEP, 2008, p. 4). There are few combatants whose intentions are as honorable as those of animal and earth liberationists. Unlike their opponents, these warrior activists have no ulterior motives, only a commitment to justice and a defense of the voiceless and oppressed.

Just War Theory, and the cause of humanitarian interventions, explains why many activists who plainly state that nonhuman lives are as precious as human lives, do not consequently put their lives on the line to save nonhuman animals. Just War Theory notes that "a nation may possess just cause to defend an oppressed group, and may rightly argue that the proper intention is to secure their freedom, yet such a war may justly be deemed too expensive or too difficult to wage; i.e., it is not ultimately in their self-interest to fight the just war" (p. 4). It is reasonable for a nation, or an individual, to preserve life and freedom rather than risk their own

life or freedom for the cause of another. Just War Theory notes that practicalities and consequences are rightly weighed against justice when contemplating humanitarian intervention (p. 4). Those activists who do not choose to risk their lives or their freedom for the cause are not hypocrites, they are simply acting as states do – self preservation before heroics.

*Animal and Earth Liberationists and Jus in Bello*

Once combat has begun, Just War Theory requires that combatants use discrimination and proportionality. Do animal and earth liberationists satisfy these just war criteria?

As noted, terrorism is easily identified by *tactics*: terrorists threaten the lives of noncombatants; terrorists fail to comply with the *jus in bello* requirement of discrimination. Combatants are those who are “trained and/or armed,” and “those who “voluntarily enter the boxing ring,” or “join an army.” What does this mean in the realms of warrior activism?

For warrior activists on behalf of nonhuman animals, those who have “entered the ring” are those who slaughter billions of cattle and chickens, pigs and turkeys, who inflict millions of rats and mice with diseases, or anally electrocute thousands of fox and mink and rob them of their furs – or the owners of such companies. These citizens are all trained and “armed” with dangerous weapons, with which they kill the innocent.

Warrior activists on behalf of the earth identify combatants as those who endanger individuals who are members of threatened species, erect building complexes in fragile ecosystems, or log virgin forests, for example. Through such acts, these individuals “enter the boxing ring.” Such people are deadly to nonhuman animals, and anathema to the earth. On behalf of the earth and nonhumans, animal and earth liberationists offer humanitarian counter-forces in hopes of aiding these defenseless victims of powerful and immoral businesses, who rob them of their lives and destroy the earth itself.

Such profit-seeking businesses are aware of their combatant status. Social activists have lobbied and protested against their practices for decades. Those who build golf courses and resorts in delicate ecological zones know that such enterprises run a high risk of sabotage. Those who run fur farms know that their captives might be released, and those experimenting on animals know that blood-smeared labs run a high risk of being sacked, that their “subjects” (victims by any other account) might be liberated. These types of businesses are increasingly difficult to insure.

Warrior activists do not target random civilians; they target oppressive, exploitative big businesses. In fact, most warrior activists do not target people at all, *even flagrant exploiters*. Ronnie Lee writes of his early activities for the cause of animal liberation:

We decided that our campaign should be against property and that no violence should be used against people, except in self-defense. For some of us, this was for moral reasons, but for others it was purely tactical. I personally now regret this, as I feel there would have been a place for the limited use of violence against animal abusers (Lee, 2008).

While most warrior activists have not directly threatened violent and dangerous combatants, a handful of more radical liberationists have reluctantly adopted these tactics as necessary to their humanitarian intervention. For example the Hunt Retribution Squad (HRS), Animal Rights Militia (ARM), Justice Department (JD), and Revolutionary Cells (RC) have

dispensed with the usual commitment to nonviolence, and openly engage in a humanitarian counterattacks against the aggressors, a counterattack in which violent profiteers and exploiters might reasonably fear for their lives. Using reason to draw their conclusion and guide their actions, these groups “openly espouse physical violence against animal oppressors, unable to fathom why some believe that human life has absolute value” (Best and Nocella, 2004, p. 35), while other lives seemingly have absolutely no value – except as is measured by the dollar.

New forms of liberation, including warrior activists who are willing to endanger or destroy the lives of aggressors, intend “exploiters to sample a taste of the fear and pain they dole out to animals,” and they are now choosing to fight “violence with violence” (Best, 2004, p. 304). These new groups offer clear arguments “in favor of inflicting serious injury, even death, upon animal abusers” (Webb, 2004, p. 79). They ask:

“Do you believe in animal liberation? Do you therefore believe that speciesism is as indefensible as racism? Did you support the African National Congress during its policy of armed struggle against apartheid? Would you therefore support an ‘armed struggle’ by the ARM or Justice Department?” (p. 79).

Their logic is difficult to refute if one values life, and when one recognizes that humans are just one of many sentient species who prefer not to suffer, who can be exploited and killed, but who prefer not to be exploited or killed.

HRS, formed in 1984, distinguished itself from earlier animal protection groups by noting that they were willing and ready to inflict physical harm on those who harmed nonhuman animals (p. 76). ARM was formed in 1985, “sending letter bombs to prominent vivisectionists. The ARM would surface sporadically to ever more dramatic effect; its city center arson attacks in 1994 caused over \$6 million in damages” (p. 78). In the early nineties, ARM launched a series of incendiary devices against abusers, including large pharmaceutical companies (p. 79). In 1993 JD sent out “booby-trapped videocassette boxes and poster tubes, [and] metal mousetraps primed with razor blades [which] soon began to reach their targets. Siding firmly with the Animal Rights Militia, the JD declared ‘We won’t be asking anyone to stop messing with animals and will make no excuses for our violent intervention – they’ve had it too good for too long’” (p. 79). The JD understood that they were fighting a war of “intervention” on behalf of nonhuman animals. Though willing to use violence against human life in their humanitarian intervention, each of these groups has targeted only combatants, those engaged in direct and heinous destruction of nonhuman animals.

Such scrupulous attention to the Just War requirement of discrimination is the norm among warrior activists. Ronnie Lee, founder of Band of Mercy and the Animal Liberation Front, notes: “I am not ethically opposed to violence against animal abusers. But I think great care has to be taken not to endanger ordinary members of the public” (*Bite Back*, 2003b, p. 9):

It is a very strong tenet of the animal rights movement that the end doesn't justify the means. Thus we hold it wrong to carry out painful experiments on animals no matter what would be the benefit to humankind (if indeed there be a benefit, and many would argue that there isn't). By the same token it must be wrong to deliberately kill or injure an innocent human (or other animal) as part of a campaign for animal liberation (Lee, 2008).

Lee remains one of the most radical warrior activists, and he does not engage in terrorism – he does not target noncombatants.

To date, *no* animal liberationist has deliberately targeted human life – even combatants – to achieve political ends. This restraint despite the ongoing slaughter – billions of nonhuman animals every year. This despite the fact that the vast majority of civilians are, in lesser but significant ways, *guilty* in the eyes of activists.

Most U.S. citizens, for example, contribute to horrific violence against nonhuman animals; they are abusers and exploiters, destroyers and enablers who consume large quantities of flesh and support research on defenseless animals. These “noncombatants” habitually *cause* non-human animals to endure intense, prolonged misery and premature death, and contribute freely to unnecessary damage to earth, water, air, and ecosystems. Such dangerous civilians might legitimately be considered targets warrior activists fighting to protect animals and the earth.

At a deeper level, one can consider the role that civilians play in supporting an unjust war; to what extent are they morally culpable, and if they are culpable to some extent, does that mean they may become legitimate targets? (IEP, 2008, p. 7).

So far, warrior activists have been contented to go after the biggest killers – the giant corporations that profit from nonhuman animal and earth exploitation and destruction. As long as warrior activists can attack these major aggressors, there is little justification for attacking individuals who are largely guilty of ignorance. When offending big businesses topple, the behaviors of the masses will change accordingly. When there are no McBurgers, there will be no McBurger customers. But if these big businesses become so well insulated by the government that they are virtually impossible to breach, if warrior activists are denied these larger targets, it is conceivable that they will feel morally obligated to settle for lesser targets rather than turn a blind eye to the ongoing exploitation and death.

In an asymmetric war of humanitarian intervention, all *oppressors* are legitimately considered combatants, and might therefore be legitimate targets. If those who ran the Nazi death camps were legitimate war targets, then so are researchers who exploit rabbits and factory farmers who slaughter pigs for warrior activists who are fighting an asymmetric humanitarian counterattack against nonhuman animal oppressors. Furthermore, those who would argue that it was a legitimate war strategy to destroy the railroad tracks that carried victims to death camps – even if it risked the lives of those operating the trains – cannot argue that destroying the means of transporting pigs and hens to slaughter, or burning down buildings that experiment on animals, are not also legitimate tactics – even if human beings die in the process. Even if these people are deemed innocents, unwillingly working for the oppressors because they must pay the bills, the doctrine of double effect justifies incidental noncombatant deaths for those engaged in just warfare. Finally, those who argue that stealing slaves was a legitimate means of liberation, cannot argue that releasing mink is not also a legitimate act in this humanitarian counter-offensive on behalf of nonhuman animals.

Animal and earth liberationists are not “terrorists”; they use discrimination in combat. These dedicated warrior activists target specific aggressors; they do not randomly attack noncombatants as do terrorists. In truth, warrior activists fighting to protect the environment and non-human animals have, thus far, never targeted life of *any* kind. However, Just War Theory

permits these warrior activists to target combatants, and even to harm noncombatants incidentally through the doctrine of double effect. We might expect animal and earth liberationists to increasingly target combatants – those who exploit and kill nonhumans for profit in spite of thirty years of protests, pleading, and picketing on behalf of the defenseless. Those who willfully continue to slaughter the defenseless do not qualify as innocents.

## Conclusion

Just War Theory defines acts of aggression that “civilized” societies consider to be justified and therefore morally acceptable. Just War Theory, initially designed to justify state’s violence, offers guidelines as to what many “civilized” nations believe to be justified violence.

Under the guidelines of Just War Theory, the ongoing battle to free nonhuman animals and the earth from industrial exploitation is an asymmetric war of humanitarian intervention on behalf of a beleaguered and abused population, on behalf of the earth itself – these warrior activists are engaged in a counteroffensive on behalf of the exploited, and are, by all counts, engaged in just warfare. Their tactics conclusively demonstrate that these warrior activists are not terrorists – they do not target noncombatants. New legislation is therefore necessary for trying cases of warrior activists, a distinct form of combat which the U.S. government wrongly labels as terrorism. These combatants, instead of being tried as terrorists, ought to be offered the protection of soldiers engaged in just war, and captured by the enemy – which happens to be their own government. (Alternatively, the government could cease to be the enemy of warrior activists by ceasing to align with big business against nonhumans, earth, and civil liberties.)

Warrior activists fighting for earth and nonhumans, who work with few resources and no paychecks, have no ulterior motive – they are fighting to protect the oppressed. Their aggressions are undertaken as a last and desperate measure on behalf of the oppressed, in the hope of protecting and defending the voiceless and defenseless. Contemporary counter-aggression on behalf of the exploited and abused – whether coyotes, cats, or cattle, whether wilderness, wetlands, or prairies – provides a textbook model of asymmetric humanitarian intervention, and ought to be treated as such in our legal system.

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## Notes

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<sup>1</sup> See the entry for "Just War Theory" at: <http://www.iep.utm.edu/j/justwar.htm>. In future textual citations, this is cited as (IEP, 2008).



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<sup>2</sup> For a short synopsis on the subject, see “Principles of the Just War” (<http://www.mtholyoke.edu/acad/intrel/pol116/justwar.htm>), or *The Internet Encyclopedia of Philosophy*, “Just War,” (<http://www.utm.edu/research/iep/j/justwar.htm>). There are a number of good books on the subject as well, including Douglas P. Lackey, *The Ethics of War and Peace* (Upper Saddle River: Prentice-Hall, 1989) and Robert L. Holmes, *On War and Morality* (Princeton, 1989).

<sup>3</sup> For information on factory farming and laboratory animal research, for example, visit VIVA! USA (<http://www.vivausa.org/visualmedia/index.html>), PETA (<http://www.petatv.com/>), HSUS (<http://video.hsus.org/>), PCRM (<http://www.pcrm.org/resources/>), Farm Sanctuary (<http://www.farmsanctuary.org/mediacenter/videos.html>), and/or Vegan Outreach (<http://www.veganoutreach.org/whyvegan/animals.html>). These sites provide undercover footage documenting what goes on behind the scenes in our food industry.